

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DERRICK BERETERVIDE,
Plaintiff,

v.

Civil No. 3:22cv133 (DJN)

DR. JOHNSON, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to identify the constitutional right that was violated by each Defendant's conduct. Accordingly, by Memorandum Order entered on December 14, 2022, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 9.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.*)

More than thirty (30) days have elapsed since the entry of the December 14, 2022 Memorandum Order. Plaintiff has failed to submit a particularized complaint or otherwise

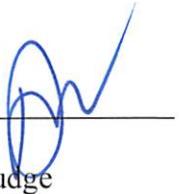
respond to the December 14, 2022 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/

David J. Novak
United States District Judge



Richmond, Virginia
Dated: February 9, 2023